

REMARKS

This amendment responds to the office action mailed June 15, 2006. In the office action the Examiner:

- rejected claims 11, 12-17, 23 and 25 as being indefinite under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;
- rejected claims 1-5, 8-12, 18-21, 24 and 25 under 35 U.S.C. 102(e) as being clearly anticipated by Leigh et al. (2004/0025507);
- rejected claims 31 under 35 U.S.C. 103(a) as being unpatentable over Leigh et al. in view of Manatt as applied to claims 13-17, 27-30 and 33;
- rejected claims 7 and 23 under 35 U.S.C. 103(a) as being unpatentable over Leigh et al. in view of Koukal et al. (4,795,090); and
- rejected claims 32 under 35 U.S.C. 103(a) as being unpatentable over Leigh et al. in view of Manatt as applied to claims 13-17, 27-30 and 33 above, and further in view of Koukal et al.;

After entry of this amendment, the pending claims remain claims 1-37.

REMARKS

35 U.S.C. 112 Rejections

The Examiner has rejected claims 11, 12-17, 23 and 25 as being indefinite under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claims 11, 12, 13, 15-18, 23 and 25 to correct typographical errors, thereby addressing the Examiner's concerns.

35 U.S.C. 102 Rejections

The Examiner has rejected claims 1-5, 8-12, 18-21, 24 and 25 under 35 U.S.C. 102(e) as being clearly anticipated by Leigh et al. (2004/0025507). The Examiner also notes that "the terms 'module' and 'modular', while referring to separately housed and interchangeable units, does not necessarily require [sic.] this structural requirement and can refer to an independently operating system that is not separately housed." Applicants have amended the independent claims to clarify that the modular unit is indeed a separately housed and

interchangeable unit containing the air separation module, compressor, and turbine. As such, applicants respectfully submit that all of the pending claims are now in condition for allowance, as none of the cited art teaches the claimed systems or method.

35 U.S.C. 102 Rejections

The Examiner has rejected claims 31 under 35 U.S.C. 103(a) as being unpatentable over Leigh et al. in view of Manatt as applied to claims 13-17, 27-30 and 33; rejected claims 7 and 23 under 35 U.S.C. 103(a) as being unpatentable over Leigh et al. in view of Koukal et al. (4,795,090); and rejected claims 32 under 35 U.S.C. 103(a) as being unpatentable over Leigh et al. in view of Manatt as applied to claims 13-17, 27-30 and 33 above, and further in view of Koukal et al. Again, as none of the cited art teaches a modular unit comprising a separately housed and interchangeable unit containing the air separation module, compressor, and turbine, applicants respectfully submit that all of these rejected claims are now in conditions for allowance.

Nonstatutory Double Patenting Rejection

Applicants submit a terminal disclaimer concurrently herewith to overcome the Examiner's nonstatutory double patenting rejection.

CONCLUSION

In light of the above amendments and remarks, Applicants respectfully request that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at 650.843.4000, if a telephone call could help resolve any remaining items.

Respectfully submitted,

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